

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE JUNE 29, 2010

AMENDED IN SENATE MAY 28, 2010

AMENDED IN SENATE MAY 26, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2331

Introduced by Assembly Member Skinner

February 19, 2010

An act to amend Section 3254.5 of the Government Code, relating to firefighters.

LEGISLATIVE COUNSEL'S DIGEST

AB 2331, as amended, Skinner. Firefighters Procedural Bill of Rights Act.

The Firefighters Procedural Bill of Rights Act provides a set of rights and procedural protections to specified firefighters. That act requires an administrative appeal instituted by a firefighter under the act to be conducted in conformance with rules and procedures adopted by the employing department or licensing or certifying agency that are in accordance with specified provisions of the Administrative Procedure Act.

This bill would specify that notwithstanding that provision, if the employing department is subject to a memorandum of understanding that provides for binding arbitration of administrative appeals, the arbitrator or arbitration panel shall serve as the hearing officer in accordance with the Administrative Procedure Act *and notwithstanding any other provision that hearing officer's decision shall be binding.*

The bill would specify, however, that a memorandum of understanding negotiated with an employing agency would not control the process for administrative appeals instituted with licensing or certifying agencies as those appeals shall be conducted in conformance with the rules and procedures adopted by the employing department or licensing or certifying agency that are in accordance with specified provisions of the Administrative Procedure Act.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3254.5 of the Government Code is
2 amended to read:
3 3254.5. (a) An administrative appeal instituted by a firefighter
4 under this chapter shall be conducted in conformance with rules
5 and procedures adopted by the employing department or licensing
6 or certifying agency that are in accordance with Chapter 5
7 (commencing with Section 11500) of Part 1 of Division 3 of Title
8 2.
9 (b) Notwithstanding subdivision (a), if the employing department
10 is subject to a memorandum of understanding that provides for
11 binding arbitration of administrative appeals, the arbitrator or
12 arbitration panel shall serve as the hearing officer in accordance
13 with Chapter 5 (commencing with Section 11500) of Part 1 of
14 Division 3 of Title 2 *and notwithstanding any other provision that*
15 *hearing officer's decision shall be binding.* However, a
16 memorandum of understanding negotiated with an employing
17 agency shall not control the process for administrative appeals
18 instituted with licensing or certifying agencies. Any administrative
19 appeal instituted with licensing or certifying agencies shall adhere
20 to the requirements prescribed in subdivision (a).

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